



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 28, 2021

BY ECF & ELECTRONIC MAIL

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell*, 20 Cr. 330 (AJN)

Dear Judge Nathan:

The Government respectfully submits this letter in response to the Court's order dated January 26, 2021 providing the Government with an opportunity to respond to the defendant's proposed redactions to its pre-trial motions filed on January 25, 2021. The Government notes at the outset that the defendant has not proposed any redactions to certain motions filed on the docket. (Motions 5, 8, 9, & 12; Dkts. 119-126). The Government agrees that no redactions are necessary as to those particular motions. The Government agrees with the defendant's proposed redactions to the remaining pre-trial motions for the following reasons:

- The proposed redactions to the defendant's motion to dismiss for breach of the non-prosecution agreement (Motion 1) and the motion to dismiss for pre-indictment delay (Motion 7) refer to documents designated by the Government as "Confidential" within the meaning of the Protective Order in this case (*see* Protective Order ¶ 15 (Dkt. 36)), and the proposed redactions are narrowly tailored to protect the integrity of the Government's ongoing investigation. *See, e.g., Douglas Oil Co. v. Petrol Stops Northwest*, 441 U.S. 211, 218 n.9 (1979) ("Since the 17th century, grand jury proceedings have been closed to the public; and records of such proceedings have been kept from the public eye. The rule of grand jury secrecy . . . is an integral part of our criminal justice system.").
- The proposed redactions to the defendant's motion to dismiss Counts One through Four of the Superseding Indictment as time-barred (Motion 2) and her motion to strike surplusage from the Superseding Indictment (Motion 6) protect the privacy interests of victim-witnesses.
- The proposed redactions to the motion to dismiss Counts Five and Six (Motion 4) refer to documents designated by the Government as "Confidential" within the

Honorable Alison J. Nathan

January 28, 2021

Page 2

meaning of the Protective Order in this case, and relate to third-party privacy interests or materials that remain sealed in the civil proceeding.

- The proposed redactions to the defendant's motion for a bill of particulars and pretrial disclosures (Motion 10) protect the privacy interests of victim-witnesses and protect the integrity of the Government's ongoing investigation.
- The proposed redactions to the defendant's motion to suppress under the Fourth and Fifth Amendments (Motion 11) are narrowly tailored to protect the integrity of the Government's ongoing investigation.

In addition, the Government has no objection to the defendant's proposed redactions to her motion to suppress under the Due Process Clause (Motion 3) as the proposed redactions are narrowly tailored to protect the Government's ongoing investigation. The Government respectfully submits that a limited number of additional redactions would be appropriate with respect to Motion 3 in order to be consistent with the other redactions proposed by the defendant in that particular motion. The Government will submit those additional proposed redactions under seal by email.

Respectfully submitted,

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Cc: *All counsel of record*, by email